

REMARKS

Claims 1-31 are presented for consideration in this application.

Claim Objections

Claims 5 and 14 are objected to because of informalities. Claims 5 and 14 have been amended to remove informalities.

Claim Rejections - 35 USC § 102

Claims 1-4, 8-13, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis (US Patent 6,498,806 B1). Applicants respectfully traverse these rejections.

To anticipate a claim, the reference must teach each and every limitation of the claim. See MPEP §2131. Davis does not teach each and every limitation of claim 1.

As to claim 1, citing figure 6 the Examiner has stated that Davis discloses "a first modem connected to said network node via a master communication loop (line to central office):" (emphasis added). Figure 6 of Davis shows local loop 218 as the only line to central office from terminals 216. Applicants respectfully point to the Examiner that claim 1 recites that first and second terminals are connected to the network node via the same master communication loop. In contrast, the Examiner has cited individual communication loops for each terminal 216. According to Davis, "As seen in FIG. 6, multiple workstations 216 may use individual ADSL modems 214 to connect to individual analog front ends 212 of a shared ADSL server modem 210 via individual twisted pair local loops 218." (Col. 7, lines 59-62). Thus, terminals 216 are not connected to the network node via a master communication loop as recited in claim 1, instead each terminal 216 is connected to a corresponding analog front end via its own individual local loop. Davis does not disclose a master loop as recited in claim 1 and therefore, does not teach all limitations of claim 1 as required to anticipate claim 1. Accordingly, claim 1 is clearly and patentably distinguishable from Davis.

Claims 2-4 and 8-10 depend from claim 1 and are patentably distinguishable from Davis for at least the same reasons as claim 1.

Claims 11-13 have been rejected in the manner of claim 1 accordingly, claims 11-13 are patentably distinguishable from Davis for at least the same reasons as claim 1.

Claim 17 has been rejected in the manner of claim 1. Applicants respectfully point to the Examiner that claim 17 recites limitations that are not recited in claim 1. For example, claim 17 recites that network node directing said first terminal to maintain a superframe. The Examiner has rejected claim 17 as being anticipated under 35 USC §102(e), which requires that Davis must teach ~~and~~ every limitation of claim 17; however, in rejecting claim 5, citing Davis the Examiner has stated that “[h]e does not however, disclose wherein the modem establishes first terminal imitating a communication as a master maintaining a superframe.” Thus, as even the Examiner has observed that Davis does not teach each and every limitation of claim 17. Therefore, Davis cannot anticipate claim 17 and accordingly, claim 17 is patentably distinguishable from Davis.

Claim Rejections - 35 USC § 103

Claim 7 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Davis (US Patent 6,498,806 B1) as applied to claims 1 and 12 above. Applicants respectfully traverse these rejections.

Claim 7 depends from claim 1, which has been distinguished from Davis for failing to disclose the master loop as recited in claim 1. Accordingly, claim 7 is patentably distinguishable from Davis for at least the same reasons as claim 1. Further, the Examiner has stated that “[t]hough Davis does not explicitly teach the first and second terminal are adapted to simultaneously communicate over a common communication loop with the network node, examiner asserts that such a communication is well known in the art. At any given moment, at least thousands of ADSL terminals are in simultaneous contact with the central office.” (Emphasis added). Applicants respectfully point to the Examiner that the Examiner has not cited a single reference that teaches the communication loop as recited in claim 1. Further, the Examiner’s assertion that ADSL terminals simultaneously contact the central office, Applicants respectfully state that what is well known in the art is that each ADSL terminal simultaneously communicates with the central office using its own dedicated local loop as shown in Davis.

However, the Examiner has not cited any reference that teaches simultaneous communication as recited in claim 7. Accordingly, claim 7 is further patentably distinguishable from Davis.

Claims 5, 6, 14-16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis. (US 6,498, 806 B1) as applied to claims 4, 12, 17 above, and further in view of Miao et al. (US Patent 6,279,022 B1). Applicants respectfully traverse these rejections.

Claims 5 and 6 depend from claim 1, which has been distinguished from Davis for failing to disclose all limitations of claim 1. Therefore, the combination of Davis and Miao et al. cannot render claims 5 and 6 obvious.

Claims 14-16 depend from claim 11, which has been distinguished from Davis for failing to disclose all limitations of claim 11. Therefore, the combination of Davis and Miao et al. cannot render claims 14-16 obvious.

Claims 18-20 depend from claim 17, which has been distinguished from Davis for failing to disclose all limitations of claim 17. Therefore, the combination of Davis and Miao et al. cannot render claims 18-20 obvious.

Claims 21-23, 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (US Patent 6,498,806 B1) in view of Wiese et al. (US Patent 6,434,119 B1). Applicants respectfully traverse these rejections.

Regarding claim 21, citing figure 6 the Examiner has stated that Davis discloses everything recited in claim 21 except the initialization of communication between the network node and modems. Applicants respectfully point to the Examiner that as explained above, Davis does not disclose a master loop as recited in claim 21. Further, in the cited sections (col. 13, line 49 – col. 14, line 29) even Davis describes states that it is not possible for clients to “detect a collision with another client using a different local loop.” (Col. 14, lines 3-6). Thus, Davis describes that each client modem is connected to the server via its own local loop and does not disclose a master loop as recited in claim 21.

Furthermore, the Examiner has cited Wiese et al. as describing initializing communication as recited in claim 21. Applicants respectfully disagree and point to the

Examiner that in the cited sections (claim 7), Wiese et al. describe a method of initializing a connection between two terminals; however, nowhere in the cited section Wiese et al. describe communication between network node and modems over the same master loop as recited in claim 21. Therefore, neither of the cited references teaches, suggests, or provides motivation for using the same master loop as recited in claim 21. Accordingly, claim 21 is patentably distinguishable from the combination of cited references.

Claims 22-23 and 25-27 depend from claim 21 and are patentably distinguishable from the combination of cited references for at least the same reasons as claim 21.

As to claim 28, the Examiner has stated that

"[t]hough Davis nor Wiese et al. explicitly teach the first and second terminal are adapted to simultaneously communicate over a common communication loop with the network node, examiner asserts that such a communication is well known in the art. At any given moment, at least thousands of ADSL terminals are in simultaneous contact with the central office." (Emphasis added)

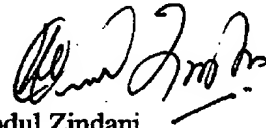
Applicants respectfully point to the Examiner that as explained above, what is known in the art is that thousands of ADSL terminals contact the central office; however, they do not contact the central office on a master communication loop as recited in claim 25. Neither of the cited references teaches this limitation.

Claims 24, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (US Patent 6,498,806 B1) in combination with Wiese et al. (US Patent 6,434,119 B1) as applied to claims 22, 28 above, and further in view of Cioffi et al. (US Patent 6,473,438 B1). Applicants respectfully traverse these rejections.

Claims 24 and 30 depend from claims 21 and 28 respectively, which have been distinguished from the combination of Davis and Wiese et al. Accordingly, the combination of Davis, Weise et al. and Cioffi et al. cannot render claims 24 and 30 obvious. Accordingly, these claims are patentably distinguishable from the combination of cited references.

Applicant believes this application and the claims herein to be in a condition for allowance. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

Respectfully submitted,



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